IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8870 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PAMEK CHEMICALS PVT LTD - Petitioner(s)
Versus
GUJARAT INDUSTRIAL DEVELOPMENTCORPORATION & 2 - Respondent(s)

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Appearance :

NANAVATY ADVOCATES for Petitioner(s) : 1,
M/S TRIVEDI & GUPTA for Respondent(s) : 1 - 2.
RULE SERVED BY DS for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 06/12/2006

ORAL JUDGMENT

1. Against an ex-parte order passed by the Competent Authority under the Gujarat Public Premises (Eviction of Unauthorised Occupants) Act, 1972 (“the Act” for short) and notice to recover the money, the petitioner instead of

filing an appeal under Sec.9 of the Act, has come to this Court under Article 226/227 of the Constitution of India.

2. After arguing at length, learned counsel for the petitioner submits that he be allowed to withdraw the petition with liberty to file a duly constituted Appeal under sec.9 of the Act.
3. Learned counsel for the respondents submits that the submission of the appeal at this stage would be patently barred by limitation and under the circumstances, no liberty can be granted.
4. Taking into consideration the totality of the circumstances and that the appellate forum is available under the Act, I allow withdrawal of the petition with liberty that the petitioner may approach the concerned Appellate Authority. It would be open to the petitioner to make an application seeking condonation of delay. In case of filing of such application, the Appellate Authority shall decide the same in accordance with law.
5. The petition stands disposed of with the liberty aforesaid.

(R.S. GARG, J.)

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